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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 5, 1998

BY HAND DELIVERY

Magalie Salas, Esquire

Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, DC 20554

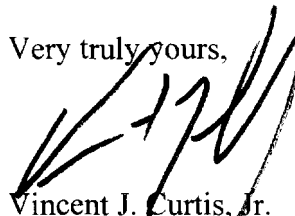
Re: Advanced Television Systems and Their Impact upon the
Existing Television Broadcast Service (MM Docket No. 87-268)

Dear Ms. Salas:

Transmitted herewith on behalf of the Pikes Peak Broadcasting Company are an original and four copies of its "Reply to Opposition to Petition for Reconsideration" in connection with the above-captioned matter.

Should any question arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Vincent J. Curtis, Jr.

Counsel for Pikes Peak Broadcasting Company

VJC:mah

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems and) MM Docket No. 87-268
Their Impact upon the Existing)
Television Broadcast Service)

To: The Commission

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

Comes now the Pikes Peak Broadcasting Company ("Pikes Peak"), the licensee of Station KRDO-TV, Colorado Springs, Colorado, by its attorneys, and respectfully submits its Reply to the Opposition to Petition for Reconsideration filed by the University of Southern Colorado ("University"), licensee of Television Station KTSC(TV), Pueblo, Colorado. In support, the following is stated:

1. In its Reconsideration filing, Pikes Peak noted that the Commission's DTV allotment table assumed that University will construct at its previously proposed site at Cheyenne Mountain, in the vicinity of KRDO-TV. In doing so, the table also proposed to change the KRDO-TV DTV allotment to Channel 24 and for University's KTSC(TV) to operate on DTV Channel 23. Since University has publicly announced to NTIA, in press releases and in the Petition for Rulemaking to permit the swap of University's analog Channel *8 for Sangre De Cristo Broadcasting Co., Inc.'s Channel 5 used by KOAA-TV,¹ that it has no intention of ever building at Cheyenne Mountain,

¹MM Docket No. 93-191, RM-8088.

Pikes Peak pointed out to the Commission that operation by KTSC(TV) on DTV Channel *23 from its existing site on Baculite Mesa would result in destructive interference to KRDO-TV. Thus, Pikes Peak proposed that the Commission change the DTV table to allot DTV Channel *46 for use by KTSC(TV) at its Baculite Mesa site.²

2. In opposing the Reconsideration request by Pikes Peak, University totally fails to address the crucial issue of its announced plans not to build at Cheyenne Mountain. Rather, it suggests that the Commission continue with the illusory position of allocating the KTSC(TV) DTV channel to that location because of its pending application to extend the time for completing construction.³ Taken to its logical end, University is suggesting the Commission's DTV allotment table -- as it applies to KTSC(TV) -- be based on a situation which will not take place, *i.e.*, the construction of the KTSC(TV) mod at Cheyenne Mountain. It would be ludicrous for the Commission to have spent all of the time, money and energy to develop a DTV table to ignore undisputed facts that have been presented. Such an exercise would be an unacceptable elevation of form over substance. Moreover, not to change the KTSC(TV) DTV allotment under these circumstances is asking for unnecessary delay in the DTV buildout because of the necessary interference that construction at Baculite Mesa will cause.

²North latitude 38° 22' 25", West Longitude 104° 33' 27".

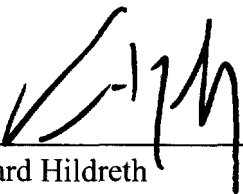
³University received its grant to move to Cheyenne Mountain in 1991 (BPET-900122KE). Since then, it has done almost nothing toward construction. Under similar circumstances the Commission has consistently denied extensions. See the recent Commission decision of *WAHL(FM)*, Ocracoke, North Carolina, 1800B3-AR, dated February 19, 1998.

WHEREFORE, the Premises considered, it is respectfully requested that the Commission grant Pikes Peak's Petition for Reconsideration and allocate DTV Channel *46 to KTSC(TV) for use at Baculite Mesa.

Respectfully submitted,

PIKES PEAK BROADCASTING COMPANY

By: _____


Richard Hildreth
Vincent J. Curtis, Jr.

Its Attorney

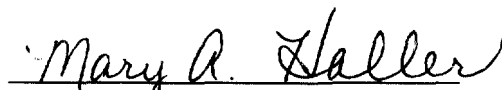
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June 5, 1998

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 5th day of June, 1998, a copy of the foregoing "Reply to Opposition to Petition for Reconsideration" was sent via first-class United States mail, postage prepaid, to:

Malcolm G. Stevenson, Esquire
Schwartz, Woods & Miller
1350 Connecticut Ave., N.W., Suite 300
Washington, DC 20036
(Counsel for University of Southern Colorado)



Mary A. Haller